

SENATE BILL 2752

By Haile

AN ACT to amend Chapter 568 of the Private Acts of 1939; as amended by Chapter 716 of the Private Acts of 1949; Chapter 40 of the Private Acts of 1957; Chapter 223 of the Private Acts of 1970; Chapter 60 of the Private Acts of 1971; Chapter 151 of the Private Acts of 1975; Chapter 170 of the Private Acts of 1979; Chapter 28 of the Private Acts of 1979; Chapter 107 of the Private Acts of 1981; Chapter 12 of the Private Acts of 1981; Chapter 88 of the Private Acts of 1985; Chapter 168 of the Private Acts of 1986; Chapter 156 of the Private Acts of 1988; Chapter 176 of the Private Acts of 1992; Chapter 247 of the Private Acts of 1992 and Chapter 39 of the Private Acts of 2007; and any other acts amendatory thereto, relative to the charter of the City of Portland.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 568 of the Private Acts of 1939, as amended by Chapter 170 of the Private Acts of 1979, Chapter 12 of the Private Acts of 1981, Chapter 107 of the Private Acts of 1981, Chapter 39 of the Private Acts of 2007, and any other acts amendatory thereto, is amended by deleting the first sentence in Article III, Section 1, and substituting instead the following:

Be it further enacted, That the governing body of such municipality shall be the Mayor and the City Council, consisting of seven (7) aldermen, who shall be elected by the qualified voters of the city.

SECTION 2. Chapter 568 of the Private Acts of 1939, as amended by Chapter 223 of the Private Acts of 1970, Chapter 151 of the Private Acts of 1975, Chapter 107 of the Private Acts of 1981, Chapter 168 of the Private Acts of 1986, and any other acts amendatory thereto, is amended by deleting Article III, Section 2, and substituting instead the following:

Be it further enacted, That the Mayor and the members of the City Council are officers of the City, and they, by election, shall appoint the other officers of the City,

being the City Recorder, the City Attorney, and the City Judge, whenever there is a vacancy in any such office.

SECTION 3. Chapter 568 of the Private Acts of 1939, as amended by Chapter 716 of the Private Acts of 1949, Chapter 40 of the Private Acts of 1957, Chapter 60 of the Private Acts of 1971, Chapter 28 of the Private Acts of 1979, Chapter 107 of the Private Acts of 1981, Chapter 88 of the Private Acts of 1985, Chapter 156 of the Private Acts of 1988, Chapter 176 of the Private Acts of 1992, and any other acts amendatory thereto, is amended by deleting Article III, Section 5, and substituting instead the following:

Be it further enacted, The compensation of all officers and employees of the City shall be established annually in the ordinance adopting the annual budget and capital program of the City. The mayor and aldermen may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

SECTION 4. Chapter 568 of the Private Acts of 1939, as amended by Chapter 107 of the Private Acts of 1981, Chapter 39 of the Private Acts of 2007, and any other acts amendatory thereto, is amended by deleting Article III, Section 6, and substituting instead the following:

Be it further enacted, That the legislative and other powers, except as otherwise provided in this charter, are hereby delegated to the Mayor and the City Council, and the City Council may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which all powers of the City shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the City or the State to protect the rights of the City.

The City Council shall determine the functions and duties of all departments and offices. The City Council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments or agencies of the City, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions or duties of offices, positions of employment, departments and agencies of the City as the Council may deem necessary for the best interests of the City. The City Council, by passage of an ordinance with a two-thirds (2/3) majority, may establish the position of City Administrator as set forth in Article XIII.

The City Council shall exercise its powers in session duly assembled, and no member nor group of members shall exercise or attempt to exercise the powers conferred upon the City Council except through proceedings adopted at some regular or special meeting.

SECTION 5. Chapter 568 of the Private Acts of 1939, as amended by Chapter 107 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting the last sentence in Article III, Section 15, and substituting instead the following:

All elections of the City Attorney, City Judge, and City Recorder shall be by a majority vote of the seven (7) aldermen and the Mayor.

SECTION 6. Chapter 568 of the Private Acts of 1939, as amended by Chapter 223 of the Private Acts of 1970, and any other acts amendatory thereto, is amended by deleting the first sentence in Article V, Section 1, and substituting instead the following:

Be it further enacted, That the Mayor shall preside at all meetings of the City Council, and shall have a seat, and a voice, but no vote, except for the purpose of breaking a tie, or for the election of the City Attorney, City Judge, or City Recorder when he shall vote as other members of the City Council.

SECTION 7. Chapter 568 of the Private Acts of 1939, as amended by Chapter 223 of the Private Acts of 1970, and any other acts amendatory thereto, is amended by deleting Article V, Section 5, and substituting instead the following:

Unless otherwise designated by the City Council by ordinance, the Mayor shall perform the following duties:

(1) Those duties set forth in ARTICLE XIII, if the City Council does not appoint a city administrator;

(2)

(A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures adopted by the City Council;

(B) Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(3) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the City Council;

(4) Prepare and submit the annual budget and capital program to the City Council for their adoption by ordinance; and

(5) Such other duties as may be designated or required by City Council.

SECTION 8. Chapter 568 of the Private Acts of 1939, and any other acts amendatory thereto, is amended by adding the following as a new Article XIII:

CITY ADMINISTRATOR

Section 1. Be it further enacted, That the City Council may appoint a City Administrator who shall be under the control and direction of the City Council. The City Administrator shall report to and be responsible to the City Council.

Section 2. The City Council may, by passage of an ordinance with a two-thirds (2/3) majority, require the City Administrator to perform any or all of the following duties:

(1) Administer the business of the municipality;

(2) Make recommendations to the City Council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(3) Keep the City Council fully advised as to the condition and needs of the municipality;

(4) Report to the City Council the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

(5) Recommend to the City Council and suggest the priority for programs or projects involving public works or public improvements that should be undertaken by the municipality;

(6) Recommend specific personnel positions, as may be required, for the needs and operations of the municipality, and propose personnel policies and procedures for approval of the City Council; and

(7) Perform such other duties as may from time to time be designated or required by the City Council.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Portland. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.